

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 403 Session of
2014

INTRODUCED BY EICHELBERGER AND FOLMER, JUNE 17, 2014

REFERRED TO STATE GOVERNMENT, JUNE 17, 2014

A RESOLUTION

1 Urging the executive branch participants in the *Whitewood* case
2 to appeal the decision in order to preserve the right of the
3 citizens of this Commonwealth to exercise their
4 constitutional and historical prerogative to define marriage.

5 WHEREAS, On June 26, 2013, the United States Supreme Court
6 issued its opinion in *United States v. Windsor*; and

7 WHEREAS, The court noted that the "recognition of civil
8 marriages is central to state domestic relations law applicable
9 to its residents and citizens"; and

10 WHEREAS, The Windsor Court quoted earlier Supreme Court
11 precedent when it explained that the "states, at the time of the
12 adoption of the Constitution, possessed full power over the
13 subject of marriage and divorce ... [and] the Constitution
14 delegated no authority to the Government of the United States on
15 the subject of marriage and divorce"; and

16 WHEREAS, The court recognized that the "significance of state
17 responsibilities for the definition and regulation of marriage
18 dates to the Nation's beginning"; and

19 WHEREAS, This fundamental jurisprudence which recognized the

1 definition of marriage as within the authority of the individual
2 states went on to determine that the Federal Defense of Marriage
3 Act was unconstitutional only as applied to "marriages made
4 lawful by the State"; and

5 WHEREAS, On May 20, 2014, a single Federal judge in the
6 United States District Court for the Middle District of
7 Pennsylvania issued an opinion, captioned *Whitewood v. Wolf*,
8 that Pennsylvania's marriage laws violate the United States
9 Constitution; and

10 WHEREAS, The *Whitewood* decision contravenes the United States
11 Supreme Court's recent recognition, in *Windsor*, of the
12 sovereignty of the citizens of individual states concerning the
13 definition of marriage; and

14 WHEREAS, The executive branch participants in the district
15 court case have until June 19, 2014, to file a notice of appeal;
16 therefore be it

17 RESOLVED, That the Senate urge the executive branch
18 participants in the *Whitewood* case to appeal the decision in
19 order to preserve the right of the citizens of this Commonwealth
20 to exercise their constitutional and historical prerogative to
21 define marriage; and be it further

22 RESOLVED, That copies of this resolution be transmitted to
23 the Governor and the executive branch participants in the
24 ongoing *Whitewood* case.